

## REMARKS

This amendment is responsive to the Office Action dated January 28, 2008. Claims 1-4 and 6-14 have been withdrawn from consideration. Claims 5-7 are currently amended. New claims 15-18 are added. The newly added claims are fully supported by Applicant's specification. No new matter has been added. Applicant respectfully requests reconsideration of the pending claims in light of the following remarks.

### Election Response

Applicant maintains the traversal.

### 35 U.S.C. § 103 Rejections

**Claims 5-6 are rejected under 35 U.S.C. § 103 as being unpatentable over Yamao (U.S. Pat. No. 7,200,220, hereinafter "Yamao") in view of Katou (JP411261630A, hereinafter "Katou") and Murooka (JP2002259310A, hereinafter "Murooka").** Applicant respectfully traverses the rejection.

Independent claim 5, as amended, recites: *A mobile terminal apparatus comprising: storage means for storing data; communication means for receiving an electronic mail via a communication network; and controller for transmitting specified data to a specified server when a specified instruction is received from a user via said received electronic mail and erasing said specified data from said storage means after transmitting said specified data is completed.*

These claimed features are absent from the relied-upon references. Particularly, independent claim 5 recites that **"a specified instruction is received from a user via said received electronic mail and erasing said specified data from said storage means after transmitting said specified data is completed."**

None of the cited references discloses a communication process that is initiated by a user, rather than a server, which sends a specified instruction via electronic mail to a mobile terminal apparatus. Yamao discloses a portable telephone maintenance service system and maintenance service method for backup control of a portable telephone set to make it possible to prevent misuse by third persons and to perform data restoration. The Examiner acknowledges that Yamao does not disclose using electronic mail for interaction between server and mobile terminal. (Office Action, at p. 3). Additionally, Yamao does not describe a user initiating the communication process.

Katou and Murooka do not cure the defects of Yamao especially since they do not describe the interaction of a user-initiated communication process. Katou discloses an electronic mail confirmation system used for notification of such information as the “number of electronic mails, transmission date and time information, caller information and title information or the like.” (Katou Abstract). Katou stresses the utility of not having user-initiated transactions, referring to them as “**troublesome entry operations.**” (Katou Abstract). Murooka discloses a notification system used during server system failures where a fault message is transmitted to the portable telephone terminal by an electronic mail. (Murooka Abstract).

While Katou and Murooka both involve processes using electronic mail, neither one cures the defects of Yamao. Accordingly, even if these references were to be combined, they do not teach or suggest all the features of claim 5; in particular, a specified instruction that is “**received from a user via said received electronic mail.**” Therefore, withdrawal of the rejection is respectfully requested.

As dependent claim 6 depends from independent claim 5, it also is not rendered obvious by the cited references for at least the same reasons as presented above. Thus, withdrawal of the rejection with respect to claim 6 is therefore respectfully requested.

**Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Yamao in view of Katou and Murooka as applied to claim 5 above, and in further view of Shinkawa (JP2001309431, hereinafter “Shinkawa”).** Applicant respectfully traverses the rejection.

Independent claim 5, as amended, recites: *A mobile terminal apparatus comprising: storage means for storing data; communication means for receiving an electronic mail via a communication network; and controller for transmitting specified data to a specified server when a specified instruction is received from a user via said received electronic mail and erasing said specified data from said storage means after transmitting said specified data is completed.*

As previously stated above, these claimed features are absent from the relied-upon references. Particularly, independent claim 5 recites that “a specified instruction is received **from a user via said received electronic mail** and erasing said specified data from said storage means after transmitting said specified data is completed.”

Shinkawa discloses a method of protecting data stored in a mobile terminal in the event the mobile terminal is lost. In contrast to claim 5, Shinkawa discloses that data in the mobile terminal may be deleted but only after communication is **received from a base station**. (Shinkawa Abstract). Furthermore, Shinkawa does not cure defects of Yamao with respect to user-initiated processes either on its own or in combination with the other relied-upon references. Thus, dependent claim 7 which depends from claim 5 is not rendered obvious by the cited references. Withdrawal of the rejection with respect to claim 7 is therefore respectfully requested.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of the claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully requests the Examiner to provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

**CONCLUSION**

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2934 from which the undersigned is authorized to draw.

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Respectfully submitted

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